HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

MA (C) No.344 of 2007

Appellant — Samelal Yadav, S/o Bhukhan Ram Yadav, aged about 45 years, R/o Village - Nunera, Thana Pali, Tahsil - Sakri, Distt.Bilaspur (CG)

Versus

RESPONDENTS

1) Ekraram Husain, S/o Ahamad Hussain, aged about 35 years, R/o kashi Nagar, Niharika Road, Korba, Distt - Korba (CG) -- Driver
2) Anup Kumar Nathani, S/o Pritam Nathani, aged about 40 years, R/o MV Market, Bus stand Bilaspur, Distt-Bilaspur (CG) --Owner
3) General Manager, The Oriental Insurance Company Ltd., Through Division Office - On UTI Bank, In front of Rajiv Plaja, Bus stand, District Biaspur (CG) --Insurance Company

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Present : Shri Sameer Singh, counsel for the appellant.
None for the respondents.

ORAL ORDER
(Passed on 20th March, 2007)

The following oral order of the Court was passed by

Vijay Kumar Shrivastava, J.

This is an appeal filed under Section 173 of the Motor Vehicle Act 1988 (henceforth "the Act") for enhancement of

compensation against the award dated 29.01.2007, passed by Fifth Additional Motor Accident Claim Tribunal, Bilaspur (CG) (henceforth "the Tribunal") in claim case No.14/2006 whereby a compensation of Rs.30,000/- has been awarded.

2) On 15.06.2006 appellant was travelling in bus bearing registration No.UP-70/R/9738, respondent No.1 by driving the said vehicle in a rash and negligent manner caused an accident, vehicle turned turtle, resultantly, appellant sustained injuries. Appellant filed an application under Section 166 of the Act for compensation against respondents who are driver, owner and insurer of the vehicle. Respondents No.1 & 2 remained *ex parte*, whereas respondent No.3 contested the claim.

3) Learned Tribunal after due enquiry, passed the impugned award and allowed compensation as below :

(a)	Medical expenses	Rs 12,000/-
(b)	For pain & suffering	Rs. 5,000/-
(c)	For loss of income & special diet during treatment	Rs.3,000/-
(d)	For grievous injury	Rs.10,000/-
	Total Award	**Rs.30,000/-**

4) Heard learned counsel for the appellant. He contended that the Tribunal erred in allowing just and proper compensation to the appellant.

5) Although Medical Officer to prove the injury of appellant has not been examined by the appellant, no disability certificate

has been obtained or filed before the Tribunal, yet the Tribunal sympathetically considered the matter and allowed compensation Rs.30,000/- on various heads, therefore, the award passed by the Tribunal cannot be defined to be unjust or improper.

6) We are of the considered opinion that there is no illegality or infirmity in the factual findings recorded by the Tribunal which may call for interference by this Court in its appellate jurisdiction. The appeal is liable to be dismissed and it is accordingly dismissed. No costs.

Sd/-
V.K. Shrivastava
Judge

Sd/-
Chief Justice